UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of   :
DOYLE   :
Application No.: 10/588,909   :   DECISION
PCT No.: PCT/GB2005/000384   :
Int. Filing Date: 04 February 2005   :
Priority Date: 05 February 2004 :
Attorney's Docket No.: EIP26.001APC   :
For: A MARKUP LANGUAGE TRANSLATOR   :
SYSTEM   :

This decision is in response to applicants' "Petition to Withdraw Improper Holding of Abandonment Pursuant to 37 CFR 1.181(a)" filed in the United States Patent and Trademark Office (USPTO), which has properly been treated as a petition under 37 CFR 1.182, on 02 April 2007.

BACKGROUND

On 04 February 2005, applicants filed international application PCT/GB2005/000384, which designated the United States and claimed a priority date of 05 February 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 18 August 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 07 August 2006 (05 August 2006 being a Saturday).

On 04 August 2006, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, a Transmittal Letter and a preliminary amendment.

On 16 March 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to failure to pay the U.S. Basic National Fee by thirty months from the earliest priority date.

On 02 April 2007, applicants filed the instant petition.

DISCUSSION

The petition filed 02 April 2007 requests that the holding of abandonment for failure to pay fees on time be withdrawn because there was an authorization to charge any additional fees necessary to Deposit Account 11-1410 in the preliminary amendment filed 04 August 2006. However, the Transmittal Letter filed 04 August 2006 states that "The total fees calculated above will be paid at a later date." There is an "X" in parentheses adjacent the front of this statement. The "total fees calculated above" include the basic national fee. Because applicant gave conflicting instructions regarding the payment of fees on the day the application was filed, a petition under 37 CFR 1.182 is required to resolve the discrepancy. The petition fee of $400 has been charged to Deposit Account 11-1410. The U.S. Basic National Fee of $300 has also been charged to Deposit Account 11-1410. Accordingly, the NOTIFICATION OF ABANDONMENT mailed 16 March 2007 is hereby VACATED.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

For the reasons set forth above, the NOTIFICATION OF ABANDONMENT mailed 16 March 2007 is <u>VACATED</u>.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring, *inter alia*, an oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

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Sale Ref: 00000004 DAH: 111410   10588909
01 FC:1462   400.00 DA
02 FC:1631   300.00 DA